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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,101	11/14/2000	Stephen Carney	PD99-2484	8794

20790 7590 02/27/2004

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SUITE 2100
AUSTIN, TX 78701

EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 02/27/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/712,101

Applicant(s)

CARNEY, STEPHEN

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detail Action

1. This Office Action is in response to the application SN 09/712,101 filed on 11/14/2000. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 5-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (US 6,412,004).

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4. As to claim 1, Chen teaches a distributed streaming media server system, comprising:

a plurality of streaming media servers (a plurality of multimedia servers 340 of Fig. 3) that each store a selection of multimedia files;

a master streaming media server (the metaserver 350 of Fig. 3) communicatively coupled to the plurality of streaming media servers (by a computer network 310) and that compiles mapping information regarding a location of each of the multimedia files that are stored on each of the plurality of streaming media servers (the metaserver 350 comprises a metaserver database which includes information about the video data streams stored in each multimedia server) (Chen, C5: L46-54, C6: L6-10 and L31-38); and

at least one streaming media client (client computer B) that requests access to a multimedia file through the master streaming media server (metaserver 350) and receives setup information regarding the requested multimedia (i.e., the list of eligible servers that have the requested multimedia file) such that the at least one streaming media client may directly access the multimedia file from one of the plurality of streaming media servers (Chen, C6: L41-48 and C10: L19-31).

2. As to claim 2, Chen teaches the distributed streaming media server system of claim 1, wherein the multimedia files comprise video files (Chen, Video content 1030 of Fig. 11).

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3. As to claim 3, Chen teaches the distributed streaming media server system of claim 1, wherein the at least one streaming media client receives the setup information from the master streaming media server (i.e., the client computer B receives the list of eligible servers that have the requested multimedia file from the metaserver 350).

5. As to claim 5, Chen teaches the distributed streaming media server system of claim 1, wherein the request for access to the multimedia file by the at least one streaming media (client computer B) is multiplexed (through the Internet, i.e., the network 310 of Fig. 3).

6. As to claims 6-8, Chen teaches the distributed streaming media server system of claim 1, wherein the master streaming media server considers load balancing when determining which of the plurality of streaming media servers is selected for access by the at least one streaming media client (Chen, C7: L1-31).

7. As to claim 9, Chen teaches the distributed streaming media server system of claim 1, wherein the master streaming media server (metaserver 350) selects one of the plurality of streaming media servers (multimedia servers 340) to access for the requested multimedia file and redirects the requesting client to exchange information directly with one of streaming media servers (i.e., client computer B connects to the first available multimedia server from the list received from metaserver 350 for the particular requested multimedia stream) (Chen, C6: L41-48 and C10: L19-31).

8. As to claim 10, Chen teaches the distributed streaming media server system of claim 1, wherein the master streaming media server (metaserver 350) utilizes a logical content database (metaserver database 940) that is queried by the master streaming media server to identify which of the plurality of streaming media servers possesses a specific streaming media file that fulfills a request for the specific streaming media file originating from the at least one streaming media client (Chen, C6: L6-48).

9. As to claims 11-12, Chen teaches the distributed streaming media server system of claim 1, wherein the at least one streaming media client, the master streaming media server, and one of the plurality of streaming media servers utilize a connectionless and stateless communications protocol (Chen, C3: L62-67 and C4: L1-15).

10. Claim 13 is a corresponding method claim of system claim 1; therefore, it is rejected under the same rationale (Chen, C6: L41-48 and C10: L19-31).

11. Claims 14-18 are corresponding method claims of system claims 6 and 10; therefore, they are rejected under the same rationale (Chen, C6: L6-48 and C7: L1-31).

12. Claims 19-20 are corresponding network system claims of system claims 1 and 6; therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, in view of Guenthner et al. (US 6,360,262), herein after referred as Guenthner.

15. As to claim 4, Chen teaches the distributed streaming media server system of claim 1, but does not explicitly teach wherein the at least one streaming media client receives the setup information from one of the plurality of streaming media servers.

In the related art, Guenthner teaches a system and method of routing in a computer network having a pool of servers (i.e., plurality of streaming media servers) capable of servicing requests for access to a set of server resource objects (i.e., multimedia files) as shown in Fig. 4B wherein the Resource Router (i.e., the master streaming media server) receives the client request (step 1), selects the most appropriate server and forwards the request to the server (step 2). The server sends its response (i.e., setup information) directly back to the client (step 3) and client dialogs with the server for subsequent access (step 4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Chen and Guenthner to let the at least one streaming media client receives the setup information from one of the plurality of streaming media servers since such methods were conventionally employed in the art to allow the system to select the "best provider" and redirect or forward the request to that server, i.e., operating in "handoff" mode, to eliminate the bottleneck problem associated with the limited speed of a single multimedia server, reduce network congestion and increase the fault tolerance of the whole system.

16. Further references of interest are cited on Form PTO-892, which is an attachment to this office action.

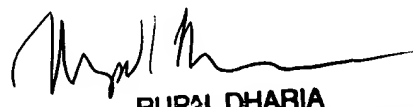
17. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER